

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

ROBERT G. LINENWEBER, Individually and	§	Civil Action No. 3:20-cv-00408-K
on Behalf of All Others Similarly Situated,	§	
	§	<u>CLASS ACTION</u>
Plaintiff,	§	
	§	
vs.	§	
	§	
SOUTHWEST AIRLINES CO., et al.,	§	
	§	
Defendants.	§	
_____	§	

**LEAD PLAINTIFFS' RESPONSE TO DEFENDANTS' NOTICE OF RECENT
AUTHORITY**

Lead Plaintiffs respectfully submit this brief response to Defendants' Notice of Recent Authority filed on March 31, 2021 (ECF No. 41-1).

Crutchfield v. Match Group, Inc., Case No. 3:19-CV-2356-S, 2021 WL 1167578 (N.D. Tex. Mar. 26, 2021) (ECF No. 41-2) ("*Crutchfield*") is inapposite to the present action. For example, the FTC's investigation and lawsuit in *Crutchfield* are a far cry from the FAA and OIG's affirmative findings of regulatory violations here. *See Crutchfield*, 2021 WL 1167578, at *3; ECF No. 29 (Lead Plaintiff's Opposition) at 18-21. Unlike in *Crutchfield*, here, Defendants were notified of the violations but instead ignored the corrective actions laid out by the FAA. *See* ECF No. 29 at 18-21. Further, in *Crutchfield*, the court held that "Plaintiffs have not sufficiently alleged that the purported fraud – stemming from the 15% to 20% of illegitimate users, whether paying or non-paying – was material enough to place this case in the special circumstances category." *Crutchfield*, 2021 WL 1167578, at *22. Here, however, Defendants cannot (and do not) deny safety was critical, and also that these violations could have jeopardized the lives of over 17.2 million passengers. *See* ECF No. 29 at 21-3. That a court did not find scienter based on a completely different set of facts does not impact the scienter analysis in this case.

DATED: April 2, 2021

KENDALL LAW GROUP, PLLC
JOE KENDALL (Texas Bar No. 11260700)

s/ Joe Kendall
JOE KENDALL

3811 Turtle Creek Blvd., Suite 1450
Dallas, TX 75219
Telephone: 214/744-3000
214/744-3015 (fax)
jkendall@kendalllawgroup.com

THE LAW OFFICE OF BALON B. BRADLEY
BALON B. BRADLEY (Texas Bar No. 02821700)
11910 Greenville Avenue, Suite 220
Dallas, TX 75243
Telephone: 972/991-1582
972/755-0424 (fax)
balon@bbradleylaw.com

Local Counsel

ROBBINS GELLER RUDMAN
& DOWD LLP
RACHEL L. JENSEN
MATTHEW I. ALPERT
CAROLINE M. ROBERT
655 West Broadway, Suite 1900
San Diego, CA 92101
Telephone: 619/231-1058
619/231-7423 (fax)
rjensen@rgrdlaw.com
malpert@rgrdlaw.com
crobert@rgrdlaw.com

Lead Counsel for Lead Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of April, 2021, a copy of the foregoing was served electronically and notice of service of this document will be sent to all parties by operation of the Court's electronic filing system to CM/ECF participants registered to receive service in this matter. Parties may access this filing through the Court's system.

s/ Joe Kendall

JOE KENDALL